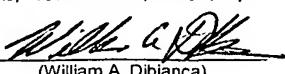
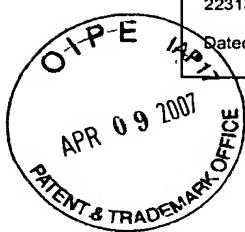


I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to:
MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA
22313-1450.

Dated: April 5, 2007

Signature: 
(William A. Dibianca)

Docket No.: SPINE 3.0-437 CIPCIPCIPCIPCON IV
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Errico et al.

Application No.: 10/784,628

Group Art Unit: 3733

Filed: February 23, 2004

Examiner: Not Yet Assigned

For: INSTRUMENTATION FOR INSERTING AND
IMPACTING AN ARTIFICIAL
INTERVERTEBRAL DISC IN AN
INTERVERTEBRAL SPACE

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT &
REQUEST FOR CONSIDERATION OF INFORMATION UNDER 37 CFR § 1.97 (C)

Dear Sir:

It is respectfully requested that the reference(s) listed on the enclosed form be made of record and considered with respect to the above-referenced U.S. patent application. A copy of each reference which is not a U.S. patent or patent application is enclosed. Submission of the present Information Disclosure Statement should not be taken as an admission that the cited reference(s) is/are legally available prior art or that the same is/are pertinent or material.

It is respectfully requested that the references cited in the enclosed form be considered pursuant to 37 C.F.R. § 1.97(c). Please charge deposit account No. 12-1095 in the amount of \$180.00 pursuant to 37 C.F.R. § 1.17(p). In the event that any additional fee is due in connection with the present request, the same should be charged to our deposit account No. 12-1095.

04/10/2007 CNEGA1 00000012 121095 10784628
01 FC:1806 180.00 DA

In the event that any additional fee is due in connection with the present Information Disclosure Statement, the Commissioner is hereby authorized to charge the same to our Deposit Account No. 12-1095.

Dated: April 5, 2007

Respectfully submitted,

By 
William A. Dibianca, Patent Agent
Registration No.: 58,653
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KRUMHOLZ & MENTLIK, LLP
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PTO/SB/08A/B (09-06)

Approved for use through 03/31/2007. OMB 0651-0031
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Substitute for form 1449/PTO				Complete if Known	
				Application Number	10/784,628-Conf. #8401
				Filing Date	February 23, 2004
				First Named Inventor	Joseph P. Errico
				Art Unit	3733
				Examiner Name	J. Cumberledge
Sheet	1	of	4	Attorney Docket Number	SPINE 3.0-437 CIPCIPIPCIPCIPCON IV

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
AA*	US-2001/0010001-A1	04-29-2003	Michelson		
AB*	US-2001/0016773-A1	08-23-2001	Serhan et al.		
AC*	US-2001/0020170-A1	09-06-2001	Zucherman et al.		
AD*	US-2002/0062131-A1	05-23-2002	Gallo, Sr.		
AE*	US-2002/0082695-A1	06-27-2002	Neumann		
AF*	US-2002/0099377	07-25-2002	Zucherman, et al.		
AG*	US-2002/0111681-A1	08-15-2002	Ralph et al.		
AH*	US-2002/0111682-A1	08-15-2002	Ralph et al.		
AI*	US-2002/0111684	08-15-2002	Ralph, et al.		
AJ*	US-2002/0111685-A1	08-15-2002	Ralph et al.		
AK*	US-2002/0116009	08-22-2002	Fraser et al.		
AL*	US-2002/0161375-A1	10-31-2002	Ralph et al.		
AM*	US-2002/0188295-A1	12-12-2002	Martz et al.		
AN*	US-2003/0014057-A1	01-16-2003	Ralph et al.		
AO*	US-2003/0014109-A1	01-16-2003	Ralph et al.		
AP*	US-2003/0014110-A1	01-16-2003	Ralph et al.		
AQ*	US-2003/0014112-A1	01-16-2003	Ralph et al.		
AR*	US-2003/0014113-A1	01-16-2003	Ralph et al.		
AS*	US-2003/0014114-A1	01-16-2003	Ralph et al.		
AT*	US-2003/0014115-A1	01-16-2003	Ralph et al.		
AU*	US-2003/0014116-A1	01-16-2003	Ralph et al.		
AV*	US-2003/0023245-A1	01-30-2003	Ralph et al.		
AW*	US-2003/0023309-A1	01-30-2003	Ralph et al.		
AX*	US-2003/0023310-A1	01-30-2003	Ralph et al.		
AY*	US-2003/0028197-A1	02-06-2003	Hanson et al.		
AZ*	US-2003/0028249-A1	02-06-2003	Baccelli et al.		
AA1*	US-2003/0028252-A1	02-06-2003	Ralph et al.		
AB1*	US-2003/0040801-A1	02-27-2003	Ralph et al.		
AC1*	US-2003/0055503-A1	03-20-2003	O'Neil		
AD1*	US-2003/0065395-A1	04-03-2003	Ralph et al.		
AE1*	US-2003/0069586-A1	04-10-2003	Errico et al.		
AF1*	US-2003/0069642-A1	04-10-2003	Ralph et al.		
AG1*	US-2003/0074067-A1	04-17-2003	Errico et al.		
AH1*	US-2003/0078666-A1	04-24-2003	Ralph et al.		
AI1*	US-2003/0083747	05-01-2003	Winterbottom, et al.		
AJ1*	US-2003/0100951-A1	05-29-2003	Serhan et al.		
AK1*	US-2003/0135278-A1	07-17-2003	Eckman		
AL1*	US-2003/0149438-A1	08-07-2003	Nichols et al.		
AM1*	US-2003/0149482-A1	08-07-2003	Michelson		
AN1*	US-2003/0191534-A1	10-09-2003	Viart et al.		
AO1*	US-2003/0204260-A1	10-30-2003	Ferree		
AP1*	US-2003/0216744-A1	11-20-2003	Longhini et al.		
AQ1*	US-2003/0216810-A1	11-20-2003	Ralph et al.		
AR1*	US-2003/0225408-A1	12-04-2003	Nichols et al.		

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Substitute for form 1449/PTO				Complete if Known	
				Application Number	10/784,628-Conf. #8401
				Filing Date	February 23, 2004
				First Named Inventor	Joseph P. Errico
				Art Unit	3733
				Examiner Name	J. Cumberledge
Sheet	2	of	4	Attorney Docket Number	SPINE 3.0-437 CIPCIPCIPCIPCON IV

AS1*	US-2003/0229358-A1	12-11-2003	Errico et al.	
AT1*	US-2003/0233145	12-18-2003	Landry et al.	
AU1*	US-2004/0024406-A1	02-05-2004	Ralph et al.	
AV1*	US-2004/0024407-A1	02-05-2004	Ralph et al.	
AW1*	US-2004/0030387-A1	02-12-2004	Landry et al.	
AX1*	US-2004/0034426-A1	02-19-2004	Errico et al.	
AY1*	US-2004/0078079-A1	04-22-2004	Foley	
AZ1*	US-2004/0143332-A1	07-22-2004	Krueger et al.	
AA2*	US-2004/0215198-A1	10-28-2004	Marnay et al.	
AB2*	US-2004/0220582	11-04-2004	Keller	
AC2*	US-20040117022	06-17-2004	Marnay et al.	
AD2*	US-20040148028	07-29-2004	Ferree et al.	
AE2*	US-3,867,728	02-25-1975	Stubstad et al.	
AF2*	US-4,309,777	01-12-1982	Patil	
AG2*	US-4,759,766	07-26-1988	Buettner-Janz et al.	
AH2*	US-4,759,769	07-26-1988	Hedman et al.	
AI2*	US-4,997,432	03-05-1991	Keller	
AJ2*	US-5,122,130	06-16-1992	Keller	
AK2*	US-5,236,460	08-17-1993	Barber	
AL2*	US-5,258,007	11-02-1993	Spetzler et al.	
AM2*	US-5,258,031	11-02-1993	Salib, et al.	
AN2*	US-5,306,308	04-26-1994	Gross et al.	
AO2*	US-5,314,477	05-24-1994	Marnay	
AP2*	US-5,370,697	12-06-1994	Baumgartner et al.	
AQ2*	US-5,401,269	03-28-1995	Buttner-Janz et al.	
AR2*	US-5,425,773	06-20-1995	Boyd et al.	
AS2*	US-5,443,514	08-22-1995	Steffee	
AT2*	US-5,507,816	04-16-1996	Bullivant	
AU2*	US-5,556,431	09-17-1996	Buttner-Janz	
AV2*	US-5,562,738	10-08-1996	Boyd et al.	
AW2*	US-5,676,701	10-14-1997	Yuan et al.	
AX2*	US-5,683,464	11-04-1997	Wagner et al.	
AY2*	US-5,683,465	11-04-1997	Shinn et al.	
AZ2*	US-5,720,751	02-24-1998	Jackson	
AA3*	US-5,782,830	07-21-1998	Farris	
AB3*	US-5,888,226	03-30-1999	ROGOZINSKI	
AC3*	US-5,893,889	04-13-1999	Harrington	
AD3*	US-5,895,428	04-20-1999	Berry	
AE3*	US-5,899,941	05-04-1999	Nishijima et al.	
AF3*	US-5,989,291	11-23-1999	Ralph et al.	
AG3*	US-6,001,130	12-14-1999	Bryan et al.	
AH3*	US-6,019,792	02-01-2000	CAUTHEN	
AI3*	US-6,039,763	03-21-2000	Shelokov	
AJ3*	US-6,050,999	04-18-2000	Paraschac et al.	
AK3*	US-6,063,121	05-16-2000	XAVIER et al.	
AL3*	US-6,066,174	05-23-2000	Farris	
AM3*	US-6,113,602	09-05-2000	Sand	
AN3*	US-6,113,637	09-05-2000	GILL et al.	

Examiner Signature	Date Considered
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Substitute for form 1449/PTO				Complete if Known	
				Application Number	10/784,628-Conf. #8401
				Filing Date	February 23, 2004
				First Named Inventor	Joseph P. Errico
				Art Unit	3733
				Examiner Name	J. Cumberledge
Sheet	3	of	4	Attorney Docket Number	SPINE 3.0-437 CIPCIPCIPCIPCIPCON IV

AO3*	US-6,146,421	11-14-2000	Gordon et al.	
AP3*	US-6,156,067	12-05-2000	BRYAN et al.	
AQ3*	US-6,159,215	12-12-2000	Urbahns et al.	
AR3*	US-6,174,311	01-16-2001	Branch et al.	
AS3*	US-6,179,874	01-30-2001	CAUTHEN	
AT3*	US-6,190,414	02-20-2001	Young et al.	
AU3*	US-6,224,607	05-01-2001	Michelson	
AV3*	US-6,241,732	06-05-2001	Overaker et al.	
AW3*	US-6,261,293	07-17-2001	Nicholson et al.	
AX3*	US-6,280,458	08-28-2001	Boche, et al.	
AY3*	US-6,319,257	11-20-2001	Carignan et al.	
AZ3*	US-6,368,350	04-09-2002	Erickson et al.	
AA4*	US-6,375,682	04-23-2002	Fleischmann et al.	
AB4*	US-6,416,551	07-09-2002	Keller	
AC4*	US-6,428,544	08-06-2002	Ralph et al.	
AD4*	US-6,436,102	08-20-2002	Ralph et al.	
AE4*	US-6,471,725	10-29-2002	Ralph et al.	
AF4*	US-6,478,796	11-12-2002	Zucherman et al.	
AG4*	US-6,478,800	11-12-2002	Fraser et al.	
AH4*	US-6,478,801	11-12-2002	Ralph et al.	
AI4*	US-6,517,580	02-11-2003	Ramadan et al.	
AJ4*	US-6,527,786	03-04-2003	Davis et al.	
AK4*	US-6,554,864	04-29-2003	Ralph et al.	
AL4*	US-6,562,047	05-13-2003	Ralph et al.	
AM4*	US-6,579,320	06-17-2003	Gauchet et al.	
AN4*	US-6,582,466	06-24-2003	Gauchet	
AO4*	US-6,582,468	06-24-2003	Gauchet	
AP4*	US-6,592,624	07-15-2003	Fraser et al.	
AQ4*	US-6,607,559-A1	08-19-2003	Ralph et al.	
AR4*	US-6,610,092-A1	08-26-2003	Ralph et al.	
AS4*	US-6,623,525	09-23-2003	Ralph et al.	
AT4*	US-6,641,614	11-04-2003	Wagner et al.	
AU4*	US-6,645,249	11-11-2003	Ralph et al.	
AV4*	US-6,652,233	11-25-2003	Otake	
AW4*	US-6,652,533-A1	11-25-2003	O'Neil	
AX4*	US-6,669,699	12-30-2003	Ralph et al.	
AY4*	US-6,673,113	01-06-2004	Ralph et al.	
AZ4*	US-6,863,689-B2	03-08-2005	Ralph et al.	
AA5*	US-6,875,213-A1	04-05-2005	Michelson	
AB5*	US-6,918,934	07-19-2005	Ralph et al.	
AC5*	US-6,923,814	08-02-2005	Hildebrand et al.	
AD5*	US-6,981,990	01-03-2006	Keller et al.	
AE5*	US-7,022,139	04-04-2006	Errico et al.	
AF5*	US-7,118,579	10-10-2006	Michelson	

FOREIGN PATENT DOCUMENTS			
Examiner	Foreign Patent Document	Publication	Pages, Columns, Lines,

Examiner Signature	Date Considered
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				Art Unit	3733
				Examiner Name	J. Cumberledge
Sheet	4	of	4	Attorney Docket Number	SPINE 3.0-437 CIPCIPCIPCIPCIPCON IV

Initials*	Cite No. ¹	Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Where Relevant Passages or Relevant Figures Appear	T ⁶
BA	WO-01/62191-A2		08-30-2001	SDGI Holdings, Inc.		<input type="checkbox"/>
BB	WO-94/04100-A1		03-03-1994	Societe De Fabrication De Material Orthopedique - Sofamor		<input type="checkbox"/>
BC	EP-1 222 903-A1		01-12-2001	Waldemar Link (GmbH & Co.)		<input type="checkbox"/>

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